

# House of Commons: Written Statement (HCWS70)

## Ministry of Justice

Written Statement made by: **The Parliamentary Under-Secretary of State for Justice, Minister for the Courts and Legal Aid (Mr Shailesh Vara)** on 08 Dec 2014.

### **Government response to the Justice Committee's report on mesothelioma claims and next steps**

My noble friend the Minister of State for Civil Justice and Legal Policy (Lord Faulks QC) has made the following Written Ministerial Statement.

"The Government has made a priority of addressing the high costs of civil litigation in England and Wales. To that end, Part 2 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 reforms the operation of no win no fee conditional fee agreements (CFAs). Those reforms came into effect generally in April 2013, but were deferred for mesothelioma cases pending a review under s. 48 of the Act. The Government undertook a review in 2013 with the issuing of the 'Reforming Mesothelioma Claims' consultation paper on 24 July 2013. The Government announced its decision following that consultation on 4 December 2013 (col: 56WS). In particular, it announced that, following the review, the Government had decided to implement the no win no fee reforms for mesothelioma cases. Full reasons for that decision were given in the response paper published on 6 March 2014. However, that decision was challenged by judicial review and on 2 October the High Court quashed it. CFAs in mesothelioma cases therefore continue to operate on a pre-LASPO Act basis for the time being. The decision was also investigated by the Justice Committee which published its report on 1 August. The Government's response to that report will be published shortly.

The Government intends to undertake a review under s.48 in due course; further details on the format and timing of that review will be set out at a later date. The Court's judgment and the Committee's report will be considered as part of that process.

Mesothelioma is a terrible disease and the Government is determined to do what it can to help sufferers and their families. Changes in the law over recent years, including the Mesothelioma Act 2014, have made it easier for victims to obtain compensation. The Ministry of Justice is working closely with a wide range of stakeholders to take forward reforms where we can improve the mesothelioma claims process further:

- Provisions in the Deregulation Bill, currently before Parliament, will enable HM Revenue and Customs to restore their practice of disclosing the work records of deceased victims to their personal representatives or dependants for the purposes of claiming compensation without the need for a court order; and
- We are working with the National Cancer Registration Service and others to secure resources for the implementation of expedited receipt of pathology records and imaging reports."